

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rutherford & Plaza Blanca

Subfile No. CHRU-001-0019A

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed June 18, 2004 (Docket No. 7489) in connection with defendant Jack Cowan and subfile CHRU-001-0019A and as grounds therefore Plaintiff states as follows:

1. The State has revised the mapping of the water rights on the tract of land under this subfile (CHRU-001-0019A) to correct errors in the mapping of the water rights and to correct the boundary with land to the north owned by Ed Cowen under subfile CHRU-001-0019C. Craig Daugherty and Cary Daugherty have been substituted as parties defendant for the original owner of the land under subfile CHRU-001-0019A (Jack Cowan) by Order dated November 1, 2007 (Docket No. 8986). Craig Daugherty and Cary Daugherty have signed an approved a revised Consent Order in this subfile to be filed with the Court to correct the errors described above.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed June 18, 2004 (Docket No. 7489) in connection with subfile CHRU-001-0019A.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of November, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Craig Daugherty
Cary Daugherty
HC 75, Box 119
Chama, NM 87520

/s/ Ed Newville
EDWARD G. NEWVILLE